

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

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M E M O R A N D U M

October 9, 2015

TO: The Honorable William L. Osteen, Jr., Chief United States District Judge

FROM: C. Tate Nuckols, U.S. Probation Office
R. Dale Parrish, Supervisory U.S. Probation Officer

RE: Harvey Lee Burnette, Jr.
Docket No: 1:09CR193-1

Harvey Lee Burnette, Jr. does not qualify for a sentence reduction pursuant to USSG §1B1.10 for the reason(s) stated below:

The defendant's original sentence of 240 months is equivalent to the applicable statutory mandatory minimum punishment of twenty years, and the defendant did not receive relief from the mandatory minimum punishment pursuant to the statutory safety valve at 18 U.S.C. § 3553(f), or through a substantial assistance departure under USSG §5K1.1 or Rule 35(b).

Probation recommends the Court review this case. This memorandum has been served on the defendant to provide notice of consideration by the Court of the reduction. If defendant desires to respond (optional), a response should be filed by the defendant with the Clerk of Court, United States District Court, 324 West Market Street, Greensboro, NC 27401-2544, within 21 days of the date on the memo. The response should not be returned to the United States Probation Office.